

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

ROBERT ROWEN,

Defendant.

Case No. [19-cr-00486-CRB-1](#)

**ORDER EXTENDING APPEAL
DEADLINE**

On August 12, 2022, on limited remand from the Ninth Circuit to determine the basis of Defendant's untimely filing of his notice of appeal, the Court permitted Defendant to file a "short statement setting forth the reasons for his failure to file a notice of appeal within the applicable deadline." Order re: Missed Appeal Deadline (dkt. 165). Defendant declared that he was never served with the final judgment (which issued on February 15), and he and his attorney were unaware of it until after the appeal deadline of March 1. See Statement (dkt. 166). Defendant states that he became aware of the final judgment only when the Department of Justice contacted him (on March 25) for payment of restitution, after which he filed a pro se appeal (on March 28). Id.

The Court finds that this reason constitutes "excusable neglect or good cause" permitting extension of time. Fed. R. App. P. 4(b)(4); United States v. Stolarz, 547 F.2d 108 (9th Cir. 1976). The Court extends the applicable appeal deadline by 30 days to March 31, 2022. The Clerk shall provide a copy of this order to Ninth Circuit.

IT IS SO ORDERED.

Dated: August 15, 2022

CHARLES R. BREYER
United States District Judge